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REMARKSStatus Summary

In this Amendment, no claims are canceled, and claims 47-50 are added. Therefore, upon entry of this Amendment, claims 1, 3-7, and 10-50 will be pending.

Telephone Examiner Interview

Applicants greatly appreciate the Telephone Examiner Interview granted them by Examiner Borissov on August 19, 2005. In the Telephone Examiner Interview, the rejections of the claims under 35 U.S.C. § 101 and based on the prior art were discussed. Regarding the rejection of the claims under 35 U.S.C. § 101, Applicants agreed to re-word the claims using wherein clauses at the end of the claims rather than as proposed in the draft discussed with the Examiner during the Interview. The claims have been amended as requested by the Examiner.

Regarding the rejection of the claims based on prior art, in the Interview, it was agreed that Mukherjee (U.S. Patent No. 6,449,474) fails to teach or suggest automatically identifying unwanted calls from the perspective of the intended recipient or automatically generating a complaint registration message as claimed. It was also agreed that the remaining references relate to call blocking and do not teach or suggest automatically generating a complaint registration message as claimed.

In addition, Applicants agreed to provide references to the specification to support the proposed claim amendments. Support of the amendments to claims 1, 20, and 26, which indicate that the complaint registration application and the complaint message generator comprise hardware and/or software can be found, for example, on

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page 6 at lines 8-14, in Figure 5, and on page 10, lines 7 through page 12, line 19 of the present specification. Support for the amendment to claim 15 is found, for example, on page 11, line 23 through page 12, line 12 of the present specification.

New claims 47-49 respectively depend from claims 1, 20, and 26. Support for new claims 47-49 is found, for example, in Figure 5 of the present specification. New claims 47-49 are believed to be patentable over the references cited in the Official Action for the same reasons stated herein with regard to the corresponding independent claims. Accordingly, it is respectfully submitted that claims 47-49 should be allowed for the same reasons that claims 1, 20, and 26 should be allowed.

Support for new claim 50 is found, for example, on page 10, line 8 through page 12, line 19 of the present specification. New claim 50 is believed to be patentable over the references cited in the Official Action for the same reasons herein with regard to independent claim 1. Accordingly, it is respectfully submitted that claim 50 should be allowed for the same reasons that claim 1 should be allowed.

Claim Rejections 35 U.S.C. § 112

Claim 46 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite. In particular, the Official Action indicates that it is not clear whether the claim is directed to a server or a computer readable medium. Applicants respectfully submit that a server can be implemented in software that resides on a computer readable medium, which was the intent of claim 46 as originally worded. However, Applicants have amended claim 46 to be directed to a computer program product comprising computer executable instructions embodied in a compute readable medium. Accordingly, it is

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respectfully submitted that the rejection of claim 46 as indefinite should now be withdrawn.

Claim Rejections 35 U.S.C. § 101

Claims 1, 3-7, 15-20, 23, 25, 37, and 39 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

In the Official Action, the Examiner indicated that the claimed invention was not within the technological arts because the claims could be merely understood as using a telephone for complaining to a law enforcement authority about unwanted calls. Although Applicants disagree that the case law cited by the Examiner, notably AT&T v. Excel Communications and State Street Bank v. Signature Financial Group, requires that the invention be within the "technological arts," each of independent claims 1, 20, and 26 has been amended to recite a complaint registration application and a complaint message generator, each of which include hardware and/or software, that performs the claimed functions.

In particular, the claims now recite that the complaint registration application includes hardware and/or software that determines whether a call is initiated from a subscriber with whom the intended receipt does not desire to communicate. The claims also recite that the complaint message generator includes hardware and/or software that automatically generates a complaint registration message and sends the complaint registration message over a data network. Because the claims now recite hardware and/or software that performs the functions for detecting unwanted communications from the perspective of a communications recipient, automatically generating a

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complaint registration message, and transmitting the complaint registration message over a data network, it is respectfully submitted that the claims are within the "technological arts" requirement imposed by the Examiner.

The claims are not directed to actions performed by a subscriber in manually dialing an enforcement agency to complain about an unwanted call. Rather, the claims are directed to specific technological components that perform unwanted call detection and that automatically generate and transmit a complaint registration message over a data network. Accordingly, based on the foregoing, it is respectfully submitted that the rejection of claims 1, 3-7, 15-20, 23, 25, 37, and 39 as being directed to non-statutory subject matter should be withdrawn.

Claim Rejections 35 U.S.C. § 102

Claims 1, 4, 6, 7, 26, 29, 31-33, 37, 38, 41, 44, and 46 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,449,474 to Mukherjee et al. (hereinafter, "Mukherjee"). This rejection is respectfully traversed.

Independent claims 1 and 26 respectfully recite a method and a system for automatically registering a complaint against a communication initiator with whom the intended recipient does not desire to communicate. Both claims recite providing a complaint registration application that determines whether communication is from a communication initiator with whom an intended recipient does not desire to communicate. In addition, each claim recites providing a complaint message generator for, responsive to the determination that the communication is from a communication initiator with whom the intended recipient does not desire to communicate, automatically

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generating a complaint registration message and transmitting the complaint registration message over a data network.

There is absolutely no teaching or suggestion in Mukherjee of a complaint registration application that determines whether a communication is from a communication initiator with whom an intended communication recipient does not desire to communicate or a complaint message generator for automatically generating a complaint registration message and forwarding the complaint registration message over a data network in response to the determination that a communication is from a communication initiator with whom an intended communication recipient does not desire to communicate. In contrast, Mukherjee is directed to a call intercept system for intercepting calls for law enforcement purposes. (See column 1, line 43 through column 2, line 6 of Mukherjee.) Nowhere does Mukherjee disclose determining whether a call is unwanted or automatically generating a complaint registration message in response to identifying a communication as unwanted. Rather, Mukherjee describes a solution for intercepting calls where a subscriber uses intelligent network (IN) services. For example, Mukherjee states:

If a mobile station is only identified by its LMP [sic] number, then tracking or call interceptive [sic] calls of the originator becomes difficult. As a result, a malicious subscriber may allude [sic] monitoring agencies. Given this situation, a subscriber has the capability to remain anonymous to a law enforcement agency if all that is known to the law agency is the LNP number or some private number of the subscriber.

Thus, it would be advantageous to have an improved method and apparatus for providing call interception for calls involving IN services. (See column 1, line 66 through column 2, line 6 of Mukherjee.)

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From this passage, Mukherjee indicates that the subject matter described therein is directed to intercepting calls for law enforcement purposes. Presumably, these calls are wanted calls made to or from a person being monitored. There is absolutely no mention of identifying unwanted calls from the perspective of the intended communication recipient or for automatically generating a complaint registration message in response to identifying such calls. Accordingly, for this reason alone, it is respectfully submitted that the rejection of claims 1 and 26 and their respective dependent claims as anticipated by Mukherjee should be withdrawn.

On page 8, the Official Action indicates that column 6, lines 10-22 of Mukherjee discloses extracting a parameter from a call signaling message and determining whether a communication is from a communications initiator with whom communication is not desired. Applicants respectfully disagree. Column 6, lines 10-22 of Mukherjee are as follows:

SCP 402 will determine whether the number called has other aliases or associated numbers that have been provisioned through CIPC 400. If such a number is present, then the number will be returned in the response to MSC 404. Upon receipt of this number, MSC 404 searches call intercept table 406 to identify the corresponding entry for the returned number to retrieve other call interception related information. Then the call may be monitored. In this example, the call intercept information also may include an identification of the law enforcement agency or agencies to receive call intercept information, a number for connecting to the law enforcement agency, and the type of data to be sent to the law enforcement agency.

According to the cited portion of Mukherjee, an SCP determines whether a called number has alias numbers associated with it. If an alias number is present, the SCP returns the alias number to the MSC. The MSC searches an intercept table using the alias number to determine whether the call should be intercepted. Nothing about this

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passage suggests determining whether the communication is from a communication initiator with whom an intended communication recipient does not desire to communicate. Accordingly, for this additional reason, the rejection of claims 1, 26, and their dependent claims as anticipated by Mukherjee should be withdrawn.

Independent claim 46 recites a computer program product that performs the steps of receiving complaint registration messages generated by user telephony terminals and end offices in response to unwanted communications directed to the terminals, extracting communication initiator identifying information from the messages, performing a lookup in a database to determine whether a match is present, and, in response to determining that the match is present, identifying the communication initiator as a repeat offender and generating and forwarding a violation message to an enforcement agency. As described above, Mukherjee fails to teach or even remotely suggest identifying unwanted communications directed to communications terminals. Accordingly, Mukherjee cannot possibly teach or suggest receiving complaint registration messages generated by terminals in response to unwanted communications directed to the terminals. In addition, claim 46 recites identifying repeat offenders, i.e., communication initiators that initiate multiple unwanted communications to the same communication recipient. Mukherjee indicates only that call statistics or the actual call itself may be forwarded to a law enforcement agency. (See column 7, lines 38-42 of Mukherjee.) There is absolutely no teaching or suggestion of identifying repeat offenders or sending a violation message to an enforcement agency in response to identifying a repeat offender. Accordingly, it is respectfully submitted that the rejection of claim 46 as anticipated by Mukherjee should be withdrawn.

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Claim Rejections 35 U.S.C. § 103

Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mukherjee in view of U.S. Patent No. 6,701,160 to Pinder (hereinafter, "Pinder"). This rejection is respectfully traversed.

Claim 3 depends from claim 1. As stated above with regard to the rejection of claim 1 as anticipated by Mukherjee, Mukherjee fails to teach or suggest a complaint message generator that automatically generates a complaint registration message and that transmits the registration message over a data network in response to a determination that the call is from an unwanted caller. Pinder likewise lacks such teaching or suggestion. Pinder is directed to call blocking application that blocks incoming calls to a mobile terminal based on call blocking lists stored by the mobile terminal. (See Abstract of Pinder.) There is absolutely no teaching or suggestion of automatically generating a complaint registration message or transmitting the complaint registration message over a data network. Thus, for this reason, the rejection of claim 3 as unpatentable over Mukherjee in view of Pinder should be withdrawn.

Claims 5, 28, 34-36, 43, and 45 were rejected as unpatentable over Mukherjee in view of U.S. Patent No. 5,926,534 to Correia, II (hereinafter, "Correia"). This rejection is respectfully traversed.

Claims 5 and 43 depend from claim 1. Claims 28 and 34-36 depend from claim 26. As stated above with regard to the rejection of claims 1 and 26 as anticipated by Mukherjee, Mukherjee fails to teach or suggest a complaint message generator that automatically generates and sends a complaint registration message over a data network in response to a determination that a communication is from an initiator with

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whom an intended communication recipient does not desire to communicate. Correia likewise lacks such teaching or suggestion. Correia is directed to a preemptor device 10 that prevents unauthorized calls from being made to a computer. If a call is unauthorized, preemptor device 10 issues a negative signal on to connection wire 25. A negative signal on connection wire 25 prevents switch 26 from closing and connecting an incoming telephone line 8 to the network. (See column 4, lines 6-39 of Correia.) Thus, Correia teaches selective blocking of incoming calls. There is absolutely no teaching or suggestion of a complaint message generator for automatically generating a complaint registration message and transmitting such a message over a data network. Thus, it is respectfully submitted that the rejection of claims 5, 28, 34-36, and 43 as unpatentable over Mukherjee in view of Correia should be withdrawn.

Independent claim 45 recites a computer program product that includes computer-executable instructions for performing the steps of determining whether a manual trigger has been generated by user communications terminal, and, in response to determining that manual trigger has been generated, automatically generating a complaint registration message and transmitting the complaint registration message over a data network. As described above with regard to the rejection of claims 5, 28, 34-36, and 43 as unpatentable over Mukherjee and Correia, neither of these documents teaches or suggests automatically generating a complaint registration message or sending such a message over a data network. Thus, it is respectfully submitted that the rejection of claim 45 as unpatentable over Mukherjee in view of Correia should be withdrawn.

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Claims 10-14, 17, 18, 20-24, 27, 30, 39, and 42 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mukherjee. This rejection is respectfully traversed.

Claims 10-14, 17, and 18 depend from claim 1. Claims 27, 30, and 42 depend from claim 26. As stated above with regard to the rejection of independent claims 1 and 26 as anticipated by Mukherjee, Mukherjee fails to teach or even remotely suggest a complaint registration application or a complaint message generator as claimed. Accordingly, for the same reasons stated above with regard to the rejection of claims 1 and 26, it is respectfully submitted that the rejection of claims 10-14, 17, 18, 27, 30 and 42 as unpatentable over Mukherjee should be withdrawn.

Independent claim 20 recites a method for automatically generating a complaint registration message in response to receiving a signaling message from a communication initiator who has been notified not to initiate communications with the recipient. The method includes providing a complaint registration application that accesses the calling party identifiers stored in a blocking table to determine whether the communication initiator has been notified not initiate communication with the recipient. The method also includes providing a complaint message generator for automatically generating a complaint registration message in response to determining that the communication initiator has been notified not to initiate communication with the recipient. As stated above with regard to the rejection of claims 1 and 26 as anticipated by Mukherjee, Mukherjee fails to teach or even remotely suggest a complaint registration application or a complaint message generator. Accordingly, it is respectfully submitted that the rejection of claims 20, 21-24, and 40 as unpatentable over Mukherjee should be withdrawn.

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Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mukherjee in view of U.S. Patent No. 5,751,800 to Ardon (hereinafter, "Ardon"). This rejection is respectfully traversed.

Claims 15 and 16 depend from claim 1. As stated above with regard to the rejection of claim 1 as anticipated by Mukherjee, Mukherjee fails to teach or suggest a complaint message generator for automatically generating a complaint registration message in response to the determination that the communication is from a communication initiator with whom the intended recipient does not desire to communicate. Ardon likewise lacks such teaching or suggestion. Ardon discloses that calls are blocked if they are of a certain call type. (See Figure 3 of Ardon.) In addition, rather identifying unwanted calls based on a calling party identifier or a called-party-initiated trigger as claimed, and, Ardon requires callers to dial special type codes and screens calls based on the type codes. (See column 3, lines 41-55 of Ardon.) Accordingly, for these reasons, it is respectfully submitted that the rejection of claims 15 and 16 as unpatentable over Mukherjee in view of Ardon should be withdrawn.

Claims 19 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mukherjee in view of U.S. Patent No. 6,668,175 to Almgren et al. (hereinafter, "Almgren"). This rejection is respectfully traversed.

Claim 19 depends from claim 1, and claim 25 depends from claim 20. As stated above with regard to the rejection of claim 1 as anticipated by Mukherjee and with regard to the rejection of claim 20 as unpatentable over Mukherjee, Mukherjee fails to teach or suggest a complaint registration application that determines whether a call is from a communication initiator from which communication is not desired or a compliant

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message generator that automatically generates a complaint registration message in response to the determination. Almgren likewise lacks such teaching or suggestion. Almgren is directed to providing telecommunications services over a radio access bearer channel. Examples of such services include email services, HTTP services, or other IP-based services. (See column 2, lines 40-46 of Almgren.) There is absolutely no teaching or suggestion a complaint registration application or a complaint message generator as claimed. Accordingly, it is respectfully submitted that the rejection of claims 19 and 25 as unpatentable over Mukherjee in view of Almgren should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

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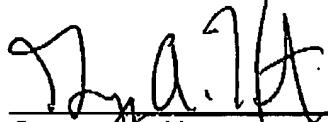
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Respectfully submitted,

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Date: August 26, 2005

By: _____


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